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DAN SMOOT

YOUR RIGHT TO PRIVACY

In the 1970 Census (as in 1960), two questionnaires will be used: a short form for three-fourths of all U.S. households; a long form for the remaining one-fourth. The short form will ask questions on 21 subjects. The seven-page long form will ask about 120 questions on 67 subjects.

Individuals will be asked about the number of times they have been married, about the number of babies they have ever had, about their bathroom habits, about how they enter their homes, about their occupation and income, about their plumbing facilities and other household equipment, about their activities at a specific time eight years ago.

Many of the census questions cannot be answered accurately unless the individual maintains detailed records of his personal affairs. Correctly answering some of the questions will require burdensome research and calculations which many individuals must hire an accountant, a lawyer, a statistician, or someone else to do.

An official of the Legislative Reference Service of the Library of Congress says few people with less than a tenth-grade education could accurately complete the census long form. Another authority says an eighth-grade education is the minimum needed to understand the form. There are more than 17 million Americans over 25 years of age who do not have an eighth-grade education.(1)

A photographic reproduction of a page of the Census Bureau's proposed 7-page long form for 1970 is on Page 31 of this *Report.*

Present federal law provides a 60-day jail sentence and a $100 fine for failure to answer a Census Bureau question; a one-year sentence and a $500 fine for willfully giving an incorrect answer.(1)

Many members of Congress acknowledge that forcing individuals to answer probing inquiries into their personal lives and business affairs violates the Fourth Amendment which protects the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches"; vio-

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lates the Fifth Amendment which prohibits the government from forcing an individual to be a witness against himself; and possibly violates the First Amendment — if freedom of silence can be considered a constitutional corollary of freedom of speech.[1] Requiring an individual to spend the time and endure the expense (of research, and, in many cases, of hiring help) to fill out complex census questionnaires—without compensating him for his expenditure of time and money—violates the Thirteenth Amendment which prohibits involuntary servitude.

As census questionnaires become more complicated and the questions more sensitive and demanding, more and more people contrive to avoid the annoyance by not getting counted at all. Thus, the Census Bureau (while spending millions of tax dollars to collect information it has no valid business collecting) is failing to accomplish its one legitimate task of counting the population, with reasonable accuracy, once every ten years.

For example, the Census Bureau itself estimates that it failed to count some 5,702,000 persons in the 1960 census. A substantial number of those missed were non-white residents of major urban areas. The 1960 census was taken entirely through interviews, conducted by 160,000 enumerators who visited the households of some 179 million U.S. residents.[1]

In 1970, the Census Bureau plans to take the census by mail in the very places (major urban areas, containing upward of 60% of total national population) where personal enumerators missed some 5.7 million people in 1960.[1]

The 1970 Census, as now planned, will not only be an intolerable and dangerous invasion of the privacy of the people, but will also be chaotic — almost worthless as a headcount to determine congressional representation, its only legitimate purpose.

The Constitution requires a census, or headcount, of all persons in the nation — an "actual enumeration" of the people — every ten years, for the purpose of determining how many Representatives each state shall have in the national Congress.

The Census Bureau was created to conduct the decennial census. Through the years, Congress has "expanded" the power and purpose of the Bureau, giving it authority not merely to count the people once every ten years, but to ask them personal questions.

As government grew more paternalistic, autocratic, and socialistic, so grew the bureaucratic appetite for detailed, personal information about the people. That appetite was whetted by the pressure, or approval, of certain private interests. To publishers of statistical almanacs, to many industries wanting details about the economic resources and living habits of the people, and to many other individuals and groups, census reports are important sources of information.

The census takers' invasions of personal privacy, though seemingly inconsequential in degree, are part of a vast eroding process which is wearing away our liberties, a little at a time, in such small degrees that most people are unaware — or feel they should wait for something a bit more outrageous before enduring the expense and danger of challenging the central government. A few thoughtful and resolute citizens have, however, challenged the authority of the Census Bureau to violate their privacy. In every case, federal courts have upheld the Census Bureau — on the grounds of *prior congressional approval.*[2]

Thus, government power feeds upon itself. The Constitution grants Congress power to enumerate the people, not to ask them personal questions. Congress assumed power to go a little further, and delegated this assumed power to the Census Bureau. The Bureau expanded the power Congress gave it. The federal courts upheld the expansion by referring, not to the *limited* constitutional grant of power, but to the *indefinite* power which Congress had assumed.

The Census Bureau promises that all information it gets in a census is kept in strict confidence, never used except statistically to produce totals and averages, none of it ever disclosed, as personal information, to anyone outside the Census Bureau, even to another government agency.

(Continued on Page 32)

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Name of person on line (1) of page 2

Last name | First name | Initial

13. Where was this person born?

If born in hospital, give State or country where mother lived, not location of hospital.

If born outside U.S., see pink instruction booklet; distinguish Northern Ireland from Ireland (Eire).

○ This State
OR
(Name of State or foreign country; or Puerto Rico, Guam, etc.)

14. What country was his father born in?

○ United States
OR
(Name of foreign country; or Puerto Rico, Guam, etc.)

15. What country was his mother born in?

○ United States
OR
(Name of foreign country; or Puerto Rico, Guam, etc.)

17. What language, other than English, was usually spoken in this person's home when he was a child? *Fill one circle.*

○ Spanish
○ French
○ German
○ Other--
Specify _____
○ None, English only

18. When did this person move into this house (or apartment)? *Fill circle for date of last move.*

○ 1967 or 68
○ 1965 or 66
○ 1960 to 64
○ 1955 to 59
○ 1950 to 54
○ 1940 to 49
○ 1939 or earlier
○ Always lived in this house or apartment

19a. Did he live in this house on October 1, 1963? *If in college or Armed Forces in October 1963, report place of residence there.*

○ Born October 1963 or later } *Skip to 20*
○ Yes, this house ..... }
○ No, different house

b. Where did he live on October 1, 1963?

(1) State, foreign country, U.S. possession, etc. _____

(2) County _____

(3) Inside the limits of a city, town, village, etc.?
○ Yes ○ No

(4) *If "Yes,"* name of city, town, village, etc. _____

20. Since September 1, 1968, has this person attended regular school or college at any time? *Count nursery school, kindergarten, and schooling which leads to an elementary school certificate, high school diploma, or college degree.*

○ No
○ Yes, public school
○ Yes, parochial school
○ Yes, other private school

21. What is the highest grade (or year) of regular school he has ever attended?

Fill one circle. If now attending, mark grade he is in.

○ Never attended school--*Skip to 23*
○ Nursery school
○ Kindergarten

Elementary through high school (grade or year)

1	2	3	4	5	6	7	8	9	10	11	12
○	○	○	○	○	○	○	○	○	○	○	○

College (academic year)

1	2	3	4	5	6 or more
○	○	○	○	○	○

22. Did he finish the highest grade (or year) he attended?

○ Now attending this grade (or year)
○ Finished this grade (or year)
○ Did not finish this grade (or year)

23. When was this person born?

○ Born before October 1954--*Please go on with questions 25 through 41.*

○ Born October 1954 or later--*Please omit questions 25 through 41 and go to the next page for the next person.*

25. *If this is a girl or a woman--*
How many babies has she ever had, not counting stillbirths? *Do not count her stepchildren or children she has adopted.*

○ None
○ 1 ○ 2 ○ 3 ○ 4 ○ 5 ○ 6 ○ 7 ○ 8 ○ 9 ○ 10 ○ 11 ○ 12 or more

26. *If this is a man--*
Has he ever served in the Army, Navy, or other Armed Forces of the United States?

○ Yes
○ No

Was it during--*(Fill one circle for each period)*

	Yes	No
Vietnam Conflict *(Aug. 1964 to present)*	○	○
Korean War *(June 1950 to Jan. 1955)*	○	○
World War II *(Sept. 1940 to July 1947)*	○	○
World War I *(April 1917 to Nov. 1918)*	○	○
Any other time	○	○

QUESTIONS 29 THROUGH 41 ARE FOR PERSONS BORN BEFORE OCTOBER 1954 INCLUDING HOUSEWIVES, STUDENTS, OR DISABLED PERSONS AS WELL AS PART-TIME OR FULL-TIME WORKERS

29a. Did this person work at any time last week?

○ Yes--*Fill this circle if this person did full- or part-time work. (Count part-time work such as a Saturday job, delivering papers, or helping without pay in a family business or farm; and active duty in the Armed Forces)*

○ No--*Fill this circle if this person did not work, or did only own housework, school work, or volunteer work*

Skip to 30

b. How many hours did he work last week (at all jobs)? *Subtract any time off and add overtime or extra hours worked.*

○ 1 to 14 hours
○ 15 to 29 hours
○ 30 to 34 hours
○ 35 to 39 hours
○ 40 hours
○ 41 to 48 hours
○ 49 to 59 hours
○ 60 hours or more

c. Where did he work last week? *If he worked in more than one place, print where he worked most last week.*

(1) Address *(Number and street name)* _____

(2) Inside the limits of a city, town, village, etc.?
○ Yes ○ No
Name of city, town, village, etc. _____

(3) County _____

(4) State _____ (5) Zip Code _____

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Person | 13. | 14-15 | 17. | 19. | 29c.

Make no mark in this margin

Photocopy of Page 6 of a 7-page 1970 Census Bureau form

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The promise is worthless. Remember that the Internal Revenue Service and the Social Security Administration also promise (and are required by law) to keep information on individuals in strict confidence from all other government agencies. Yet, IRS and SSA information is readily available to other agencies. For example, a Census Bureau official told U. S. Representative James F. Battin that the Bureau, in determining which farmers will be on the list of those required to answer the longest and most complicated agriculture-census questionnaires, compiles the list from information in the records of the Internal Revenue Service and the Social Security Administration.(1)

No government file containing personal information about an individual is absolutely safe from snoopers. The very existence of such files is a threat to the liberty of the individuals involved. Hence, federal agencies should be prohibited from compiling dossiers on individuals, except as absolutely necessary in the performance of constitutional duties.

By the mid-1960's, the census problem had become ominous. The Bureau of the Budget had proposed a National Data Center, which would collect and computerize information on individuals fed to it by federal departments—from income tax returns, census reports, social security data, medical reports, school and employment records, intimate personal histories.(1)

Members of Congress were finally moved to do something.

In June, 1967, U. S. Representative Jackson Betts introduced a bill to limit the number of questions which the Census Bureau can require individuals to answer, under penalty of federal law, to seven subjects: name and address, relationship to head of household, sex, date of birth, race or color, marital status, and visitors in home at time of census. Answers to any other questions posed by the Census Bureau would be voluntary: the individual could answer or refuse, as he pleased.

Though supported by about 100 Representatives, the Betts bill died in committee with adjournment of the 90th Congress. On January 3, 1969, Betts reintroduced his bill as HR 20.(3) It should have vigorous public support.

Passage of HR 20 is the most we can hope for this year; but, after that, we must go further.

The Census Bureau should be limited to making a headcount of the population once every ten years. If any agency of government needs, and is constitutionally entitled to have, statistical averages about the composition and economic resources of the population, these can be obtained with the scientific sampling techniques used by professional polling and market-research organizations. The results would be far more accurate, and infinitely less costly, than the results of present complicated government surveys; and they would not produce potentially dangerous dossiers of personal information about individuals.

SUGGESTION: Since time is short, concentrate now on supporting Mr. Betts' Census Reform Bill, HR 20.

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FOOTNOTES

(1) Speeches of, and research materials presented by, various U.S. Representatives during floor discussions, *Congressional Record*, daily, May 21, 1968, pp. H 4052-H 4075

(2) "1970 Census: The Constitution and Your Right to Privacy," by U.S. Representative Jackson Betts, published by National Defense Committee, Daughters of the American Revolution, 1776 D Street, N.W., Washington, D.C. 20006, 3¢ a copy

(3) *Congressional Record*, daily, January 3, 1969, pp. H 42, E 18

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